

REMARKS/ARGUMENTS

Claims 1-2, 11, 13, and 21-25 are pending. By this Amendment, claim 1 is amended. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Office Action objected to claim 1 for informalities. The Examiner's comments have been addressed in amending claim 1. Accordingly, the objection should be withdrawn.

The Office Action rejected claim 1 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner's comments have been addressed in amending claim 1. Accordingly, the rejection should be withdrawn.

The Office Action rejected claims 1, 2, 11, 21-23, and 25 under 35 U.S.C. §103(a) over Sims III, U.S. Patent No. 6,550,011, in view of Gruse, U.S. Patent No. 6,398,245, and further in view of Lortz, U.S. Patent No. 7,047,554. The rejection is respectfully traversed.

Independent claim 1, as amended, recites a copy protection method for digital media, the method comprising the steps of (a) encrypting an original media data set with a media key having a symmetric algorithm and encrypting said media key with a public key of a compliant device; (b) delivering said encrypted media data set and said encrypted media key to a compliant playing device, wherein said original media data set includes an owner watermark containing an owner identification and owner copy-control information for the media data set; (c) decrypting said

delivered media key with a private key of said playing device; (d) decrypting said delivered media data set with said decrypted media key; (e) adding a player watermark to said decrypted media data set if said decrypted data set is not marked with at least "free copy", said player watermark containing a player identification of said playing device and player copy-control information, wherein said player copy-control information is derived from said owner copy-control information; and (f) if passing said watermark-added media set to a recording device, encrypting said watermark-added media data set with said decrypted media key, encrypting said decrypted media key with said public key of said compliant device, and passing said encrypted watermark-added media data set and said encrypted media key to said recording device without a compliance test, and (e) if passing said-watermark-added media data to a displaying device, performing a compliance test with said displaying device and if said compliance test is successful, passing said watermark-added media data set and said decrypted media key to said displaying device without encrypting. Independent claims 11 and 23 remain as previously presented. It is respectfully submitted that Sims III, Gruse and Lortz, taken alone or in combination, fail to disclose or suggest all of the claimed features of independent claims 1, 11, and 23, or the respective claimed combinations.

The Office Action asserts that Sims III discloses all of the claimed features except "Sims III does not teach player identification or owner information based in watermark data." The Examiner then asserts that Gruse and Lortz teach these features, and concludes that "[i]t would

have been obvious to one of ordinary skill in the art to use the compliance test of Lortz with the media system of Sims so that a device can verify the destination device is able to use the media.”

More particularly, the Examiner asserts that Lortz teaches “performing a compliance test with a displaying device and if successful passing unencrypted data to the device.” However, col. 6, lines 3-12 and 25-35 of Lortz, referred to by the Examiner, do not disclose or suggest “a compliance test with a displaying device” and “passing unencrypted data to the displaying device if the compliance test is successful”, as recited in independent claim 1. Rather, Lortz discloses a processor that integrates and controls at least two A/V devices by constructing a control model, referred to as a filter graph, of the at least two A/V devices as a function of a physical connection topology of the at least two A/V devices and a desired content to be rendered by one of the at least two A/V devices, See the Abstract of Lortz. Col. 6, lines 3-35 of Lortz only disclose an embodiment of the control model referred to as the filter graph, and do not disclose or suggest “a compliance test with a displaying device” and “passing unencrypted data to the displaying device if the compliance test is successful” as recited in independent claim 1, or the similar features of independent claims 11 and 23.

Further, as Applicants have argued previously, none of the applied references discloses or suggests “passing said encrypted watermark-added media data set and said encrypted media key to said recording device without a compliance test”, as recited in independent claim 1, or the similar features of independent claims 11 and 23. Moreover, none of the applied references

discloses or suggests the feature in the independent claims of if an external device is a recording device, encrypting the media data set and passing the encrypted media data set to the recording device without a compliance test, and if the external device is a displaying device, performing a compliance test and if the compliance test is successful passing the media data set to the displaying device without encrypting.

For at least these reasons, the rejection of independent claims 1, 11, and 23 over Sims III, Gruse, and Lortz should be withdrawn. Dependent claims 2, 21-22, and 24-25 are allowable over Sims III, Gruse, and Lortz at least for the reasons discussed above with respect to independent claims 1, 11, and 23, from which they respectively depend, as well as for their added features.

The Office Action rejected claims 13 and 24 under 35 U.S.C. §103(a) over Sims III in view of Gruse and Lortz and further in view of Ansell, U.S. Patent No. 6,367,019. The rejection is respectfully traversed.

Dependent claims 13 and 24 are allowable over Sims III, Gruse, and Lortz at least for the reasons discussed above with respect to independent claims 11 and 23, from which they respectively depend, as well as for their added features. Ansell fails to overcome the deficiencies of Sims III, Gruse, and Lortz, as it is merely cited for allegedly teaching an authentication test. Accordingly, the rejection of claims 13 and 24 over Sims III, Gruse, Lortz, and Ansell should be withdrawn.

Serial No. **10/061,364**
Amdt. dated April 24, 2008
Reply to Office Action of January 8, 2008

Docket No. **CIT/K-0138**

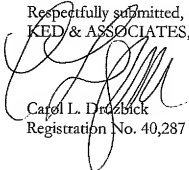
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



Carol L. Drozick
Registration No. 40,287

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3777 CLD:alg

Date: April 24, 2008

\\\\fk4\\Documents\\2016\\2016-248\\155061.doc

Please direct all correspondence to Customer Number 34610